

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DON LIPPERT, *et al.*,

Plaintiffs,

v.

J.B. PRITZKER, *et al.*,

Defendants.

No. 10-C-4603

Honorable Jorge L. Alonso
Presiding Judge

**DEFENDANTS' SUPPLEMENTAL BRIEF
IN SUPPORT OF THEIR MOTION TO DELAY PUBLIC
FILING OF THIRD MONITORING REPORT AND FOR EXTENSION
OF TIME TO SUBMIT RESPONSE TO THIRD MONITORING REPORT**

Defendants, J.B. Pritzker, Rob Jeffreys, and Steven Bowman, by and through their counsel, Kwame Raoul, Illinois Attorney General, for their supplemental brief in support of their motion for an order barring the public filing of the third monitoring report and an extension of time to time to submit a response to the third monitoring report (Dkt. 1395) state the following:

On March 12, 2021, Defendants asked this Court for an order barring the public filing of the third monitoring report until the monitor amends his report to address certain concerns held by Defendants that were outlined in a letter sent to the monitor. *Id.* In the alternative, Defendants requested that this Court bar the public filing of the third monitoring report until the parties and the monitor have met and conferred about Defendants' concerns and have provided a status report to this Court. *Id.* Defendants further requested that the Court extend their deadline to submit a

response to the third monitoring report until three weeks after the monitor amends his report or three weeks after the parties meet and confer with the monitor. *Id.*

Defendants sought this extension because after viewing the monitor's report they found numerous instances where the report contained misstatements and inaccurate conclusions that were based on these misstatements. *See Id.* at 1395-1.

At the time of filing their motion, Defendants believed the monitor would be amenable to meeting with Defendants in order to discuss the issues outlined in their letter. Defendants held this belief because the monitor previously agreed to a similar meet and confer after he provided the parties with his second report. *See Dkt. 1322.*

However, the monitor has subsequently informed the Defendants that he is not interested in discussing any issues they have with the third monitoring report. This is unfortunate. Contrary to Plaintiffs' accusations that Defendants are not working collaboratively to resolve their concerns (*see Dkt. 1397 at 5*), it is the monitor who is refusing to work through the parties issues.

In light of the monitor's refusal, additional relief is necessary. Accordingly, Defendants ask this Court for an for (1) an order requiring the monitor to meet and confer with Defendants; (2) an order barring the public filing of the third monitoring report until the parties and the monitor meet and confer about Defendants' concerns and provide this Court with a status report; and (3) an extension of the deadline for Defendants to submit a response to the third monitoring report until twenty-one days after the parties and the monitor meet and confer. In the alternative, Defendants request (1) an opportunity to file a motion pursuant to § V.E. of the consent decree

within fourteen days in order to show cause why various portions of the third monitoring report should remain under seal or be stricken; and (2) and extension of the deadline for Defendants to submit a response to the third monitoring report until fourteen days after the Court rules on Defendants' brief pursuant to § V.E. of the consent decree.

WHEREFORE, Defendants, J.B. Pritzker, Rob Jeffreys, and Steven Bowman, respectfully request the Court grant their motion, and provide for such further relief as this Honorable Court deems appropriate and just.

Dated: March 16, 2021

Respectfully Submitted,

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